

RULE ADOPTIONS

COMMUNITY AFFAIRS

(a)

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Enforcement Activities Reserved to the Department

Adopted Amendment: N.J.A.C. 5:23-3.11

Proposed: September 15, 2025, at 57 N.J.R. 2057(a).

Adopted: April 17, 2026, by Jacquelyn A. Suárez, Commissioner,
Department of Community Affairs.

Filed: April 17, 2026, as R.2026 d.069, **with a non-substantial change** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 52:27D-119.

Effective Date: May 18, 2026.

Expiration Date: February 9, 2029.

Summary of Public Comments and Agency Responses:

Comments were received from Andrew Bayer, representing the Boroughs of Eatontown and Oceanport; Will Castleberry, Netflix; Matthew Janora, Toms River Bureau of Fire Protection; Mitchell Malec, a former employee of the Department of Community Affairs (Department); David Phelan; and Barbara Sachau.

1. COMMENT: The commenter requests the identity of the entities the Department sought input from prior to publication of the proposed amendment. Additionally, the commenter questions whether the New Jersey Economic Development Authority's (NJEDA) Motion Picture and Television Commission was among those entities and, if not, why it was omitted.

RESPONSE: The Department has worked with the Motion Picture and Television Commission in coordination with this rulemaking. It also sought the input of the Uniform Construction Code Advisory Board, as required pursuant to N.J.S.A. 52:27D-123.

2. COMMENT: The commenter questions if the exemptions at N.J.A.C. 5:23-2.14 remain applicable, including those regarding temporary structures.

RESPONSE: The exemptions at N.J.A.C. 5:23-2.14 remain applicable, so long as all conditions set forth in that section are met.

3. COMMENT: The commenter questions whether the proposed amendment at N.J.A.C. 5:23-3.11(l) should be codified at N.J.A.C. 5:23-4.9. The commenter notes that N.J.A.C. 5:23-3.11 concerns enforcement activities reserved to the Department, while N.J.A.C. 5:23-4.9 concerns the establishment of State enforcement agencies. Additionally, the commenter states that N.J.A.C. 5:23-3.11(l)1 is unnecessary because it is addressed at N.J.A.C. 5:23-4.3(f).

RESPONSE: The Department finds that the appropriate codification for this rulemaking is as proposed at N.J.A.C. 5:23-3.11, because this is an activity over which the Department is reserving enforcement activity. It is not establishing a State enforcement agency. The Department agrees with the commenter that the text at N.J.A.C. 5:23-3.11(l)1 is a redundancy that is reflected at both N.J.A.C. 5:23-4.3(f) and in the language of the Uniform Construction Code Act (Act) at N.J.S.A. 52:27D-124k. As such, upon adoption, the Department will delete this language, recognizing that the intent is already reflected in both the Act and existing rules.

4. COMMENT: The commenter asks if proposed N.J.A.C. 5:23-3.11(l) addresses new facilities and new film sets, while N.J.A.C. 5:23-3.11(l)1 addresses existing facilities.

RESPONSE: The distinction between N.J.A.C. 5:23-3.11(1) and paragraph (l)1 was between types of filming locations; the former applies to sets and locations that are temporarily used for filming that are independent of studio locations; the latter addresses studios, where there are often sets, sound stages, and other related features. The intent of this

rulemaking was to clarify that the Department will act as the sole enforcing agency for all work relating to motion picture and television film sets that are independent of studios, whereas, paragraph (l)1 addresses work undertaken at film studios. As noted in the Response to Comment 3, paragraph (l)1 is being deleted upon adoption.

5. COMMENT: The commenter notes that the terminology at N.J.A.C. 5:23-3.11(l) and paragraph (l)1 differs. The commenter explains that N.J.A.C. 5:23-3.11(l) appears to address jurisdiction over work relating to film sets, while N.J.A.C. 5:23-3.11(l)1 addresses jurisdiction over film studios and appurtenant and auxiliary spaces. The commenter requests an explanation of the intent of these proposed amendments and the reasoning for the differing terms.

RESPONSE: As noted in Response to Comment 4, this difference in terminology is purposeful, as it distinguishes between work that occurs independent of filming studios and work that occurs onsite at a studio. Moreover, as noted in the Response to Comment 3, paragraph (l)1 is being deleted upon adoption.

6. COMMENT: The commenter recommends including definitions for the terminology used in the proposed amendments.

RESPONSE: The Department respectfully disagrees that definitions must be included; the term "film studio" is understood throughout the regulated industry, and there is no reason to believe that the terms "sets" and "locations otherwise independent of a film studio set" will not be understood. Should further clarification be needed, the Department may issue guidance to ensure uniform understanding of these terms.

7. COMMENT: The commenter questions whether the Department's proposed amendment states that an existing or newly built film studio may continue pursuant to the local enforcing jurisdiction, while work on the studio's set is within the Department's jurisdiction. Additionally, the commenter asks if work at a location that is not in a film studio is always the Department's jurisdiction.

RESPONSE: Film studios, both existing and newly constructed, will continue to be regulated within the jurisdiction of the local enforcing agencies unless there is a need for the Department to take jurisdiction pursuant to N.J.A.C. 5:23-4.3(f). Sets that are constructed independently of film studios will always be within the Department's jurisdiction.

8. COMMENT: The commenter questions whether an operative date should be established for the proposed provisions or if the Department will immediately take jurisdiction.

RESPONSE: This rule will be effective upon publication in the New Jersey Register.

9. COMMENT: The commenter questions whether the process described at N.J.A.C. 5:23-4.3(f)1 will be followed or whether N.J.A.C. 5:23-4.3(f)2 will be used when the local enforcing agency is available, the film studio project is not complex, and the local enforcing agency's workload is not overburdened. Additionally, the commenter requests examples to better explain the proposed amendments.

RESPONSE: Departmental intervention regarding film studios would occur pursuant to N.J.A.C. 5:23-4.3(f)2, wherein the Department would supplant a local enforcing agency for a specific project. It would not seek to dissolve a local enforcing agency as a result of a film studio project. Further, it is the intention to take jurisdiction only in instances where the local enforcing agency's workload would be overburdened and agency staff would not be able to meet the project's demand.

10. COMMENT: The commenter notes that it is not reasonable to propose or adopt regulations they do not fully understand. The commenter explains that providing a Uniform Construction Code (UCC) Bulletin or a Construction Code Communicator article, or amending the regulations at a later date to clarify intent, is illogical. Additionally, the commenter questions why the Uniform Construction Code Advisory Board did not distribute the proposed amendments to its subcommittees and why the subcommittees abstained from further review.

RESPONSE: The Department is in full understanding of the proposed amendments. The Department often issues guidance upon the adoption of rules, whether through the work of the Code Assistance Unit, the quarterly publication of the Construction Code Communicator, memos to

construction officials, or bulletins. It is the Department's belief that this rulemaking is well understood by the regulated public; however, the rules recognize the need for interpretations and opinions at N.J.A.C. 5:23-3.9. The purpose of the Uniform Construction Code Advisory Board is to provide advice to the Commissioner of the Department (Commissioner) regarding draft changes to the Uniform Construction Code, and referral to its subcode committees is at the discretion of the respective chairs. In this instance, the membership did not feel it necessary to provide further advice to the Commissioner.

11. COMMENT: The commenter questions the intent of proposed N.J.A.C. 5:23-3.11(l), noting that it references outdoor locations but does not reference indoor locations. The commenter questions whether the proposed language should include both indoor and outdoor locations.

RESPONSE: Indoor locations are included at N.J.A.C. 5:23-3.11(l) by the inclusion of "work undertaken on locations otherwise independent of a film studio set." This would include indoor locations where work is undertaken, related to television or motion picture filming.

12. COMMENT: The commenter provided examples regarding N.J.A.C. 5:23-3.11(l) and questioned why the Department seeks jurisdiction over temporary structures in outdoor locations, as well as work undertaken otherwise independent of a film studio set.

RESPONSE: The Department is taking jurisdiction over these projects because the structures are often temporary and pose unique enforcement implications that do not align with the work that local enforcing agencies generally handle in their ordinary course of business. The work often entails tight deadlines, short turnarounds, and structures built to resemble conventional construction but that vary greatly from the norm in terms of use and function. By way of example, there are instances in which a production company constructs a structure that appears to be a single-family home but, due to filming requirements, may not function as one. As such, it poses unique considerations that the Department finds are more appropriately left to its sole enforcement.

13. COMMENT: The commenter requests an example of a situation in which the Department would take jurisdiction based on the complexity of the film studio project.

RESPONSE: This would be a review undertaken on a case-by-case basis, pursuant to N.J.A.C. 5:23-4.3(f). See also the Response to Comment 9.

14. COMMENT: The commenter requests the anticipated revenue the Department will receive from becoming the sole enforcing agency for work related to motion picture and television film sets and locations. Additionally, the commenter requests the anticipated revenue the Department will receive by taking UCC jurisdiction over film studios.

RESPONSE: The fees received by the Department will be in accordance with N.J.A.C. 5:23-4.20. Currently, the Department does not have a broad sense of the number of sets and locations that will be submitted annually, so there is no estimate of the monies to be received. Similarly, because the decision to take jurisdiction over film studios would only be made on a case-by-case basis, there is no way to predict the monies that would be received.

15. COMMENT: The commenter questions how the Department will address UCC safety concerns or violations during film production or at ancillary buildings or structures. Specifically, they ask how the film production or studio would know who to contact for these situations.

RESPONSE: As with any project that is within the Department's jurisdiction, the permit applicant will have direct contact with reviewers and inspectors to address any concerns throughout the plan review and inspection process.

16. COMMENT: The commenter questions whether, if a studio has multiple stages, the Department will choose which film stages to take jurisdiction over.

17. COMMENT: Concerning a situation in which the Department takes jurisdiction over the film studio, the commenter asks whether it is a permanent takeover or whether the Department's intent is only for that specific film production, after which jurisdiction returns to the local enforcing agency. Additionally, the commenter questions whether the decision to assume jurisdiction is based on the Department's like or dislike of actors.

RESPONSE TO COMMENTS 16 AND 17: The Department would be making a determination to take jurisdiction over specific projects pursuant

to N.J.A.C. 5:23-4.3(f)2; as such, any work entailed in that specific project would then become subject to the Department's jurisdiction. In other words, the determination would be for the project as a whole.

18. COMMENT: The commenter asks whether the Department will have sole UCC jurisdiction over ancillary structures not used for filming, such as parking garages, administrative buildings, or other structures on site. Additionally, they question whether this includes sound studios and any ancillary structures.

RESPONSE: In accordance with N.J.A.C. 5:23-3.11(l), the Department would have jurisdiction over all work relating to film sets independent of studio sets, including the construction or use of any temporary structures involved in the nature of the set. The language at N.J.A.C. 5:23-3.11(l)1 is being deleted upon adoption, as N.J.A.C. 5:23-4.3(f) establishes the authority to take jurisdiction of projects, as deemed necessary. As stated in the Response to Comments 16 and 17, this would include taking jurisdiction of the entirety of the project.

19. COMMENT: The commenter requests the number of existing film studios in New Jersey that the Department could take UCC jurisdiction over, including sound studios.

RESPONSE: The Department does not have an exact number of existing film studios in New Jersey; this information is maintained by the local enforcing agencies responsible for overseeing work undertaken in their municipalities.

20. COMMENT: The commenter questions whether existing film studios have provided input on the proposed amendments.

RESPONSE: As part of this rulemaking, the Department received comments from one film studio.

21. COMMENT: The commenter requests the total fees of UCC permits for the Happy Gilmore 2 film production. Additionally, they question how the total dollar amount compares with the \$1.2 million spent on lodging and the \$6.4 million spent on hiring extras.

RESPONSE: All permits needed for work related to the production of Happy Gilmore 2 were handled by the local enforcing agency where the filming occurred; as such, the Department does not have the requested fee information for this work. The Department does receive a surcharge of all permit fees, and it receives information on permits through the monthly Construction Reporter, but this is all summary information based on all permits received. The Department has no way to determine which summary data is associated with specific film permits. Money spent by production agencies on lodging and extras is outside the scope of the Uniform Construction Code.

22. COMMENT: The commenter questions why the Economic Impact included language referencing 2023 film production spending exceeding \$650 million. Further, the commenter asks if this was overall in-State production spending, and how many projects the Department used in calculating the amount.

RESPONSE: The Department utilized the most-recently available economic data in the Economic Impact. It was based on information released by the New Jersey Economic Development Authority; the Department was not responsible for calculating that amount. The number was based on overall in-State production spending.

23. COMMENT: The commenter questions the UCC permit costs and how the \$650 million figure from the Economic Impact statement will change if the Department becomes the sole enforcing agency. Additionally, the commenter asks what the economic impact would be on the local enforcing agencies and the Department.

RESPONSE: As stated in the Economic Impact, the Department does not anticipate that there will be a direct impact on the economy resulting from this rulemaking. However, consistency in UCC application for all film sets could have an indirect positive economic impact because ensuring that the film industry has a single point of entry for all matters relating to the construction, use, and removal or demolition of set items and all appurtenant features encourages the industry to remain in New Jersey for future projects. While local enforcing agencies will not be collecting fees for permits for film sets and locations independent of studios, this is not anticipated to unduly impact the monies received by local enforcing agencies through all other UCC activities.

24. COMMENT: The commenter questions how the Department becoming the sole construction code enforcement agency can provide assurance that the process will not create more delays. The commenter

notes that the proposed amendments simply transfer the permit application submittal requirements from the local enforcing agency to the Department, and it seems this rulemaking adds another cog to the wheel.

RESPONSE: The Department respectfully disagrees that this adds an additional level of review, since the Department's jurisdiction replaces the local enforcing agency, not adds to it. The Department has sufficient staff among its plan reviewers and inspectors to undertake this work in a timely manner.

25. COMMENT: The commenter asks if the Department will obtain confirmation of prior approvals and other needed approvals or permits.

RESPONSE: Yes. As with any UCC permit, regardless of whether the Department or the local enforcing agency maintains jurisdiction, all prior approvals must be submitted with the permit application.

26. COMMENT: The commenter questions whether current Department staff can handle the anticipated additional workload.

RESPONSE: Yes. The Department has sufficient staff among its plan reviewers and inspectors to undertake this work in a timely manner.

27. COMMENT: The commenter notes that the Department appears to be utilizing N.J.S.A. 52:27D-124.k, in part, which allows the Department to supplement or replace the local enforcing agency for a specific project to justify this proposed amendment. The commenter further notes that the proposed amendment appears to be a takeover of the motion picture and television film industry construction code activities and not in conformance with the Act. The commenter requests an explanation of whether the Department is exceeding its powers. In addition, if the Department is taking complete takeover of the enforcement of the UCC, why not include fire safety permits?

RESPONSE: As noted in the Response to Comment 3, the Department is deleting N.J.A.C. 5:23-3.11(l)1 upon adoption. This is intended to eliminate confusion that the Department will be automatically taking jurisdiction over film studios. Instead, the language at both N.J.S.A. 52:27D-124.k and N.J.A.C. 5:23-4.3(f) sufficiently addresses the Department's ability to take jurisdiction over projects, when deemed necessary. This authority has existed since the inception of the UCC and ensures that, when the local enforcing agency is unable to undertake the necessary work for a project, the Department can act as a resource. This rulemaking is limited to the requirements set forth in the UCC; it does not alter the requirements for the fire safety permits set forth at N.J.A.C. 5:70, which is carried out through a different division within the Department.

28. COMMENT: The commenter asks, when a UCC permit application is submitted to the Department, what is the anticipated maximum time frame for review and approval. The commenter also recommends establishing a time frame for the permit's approval. Additionally, the commenter requests confirmation that the Department's intent is to prohibit the use of the design professional self-certification program, which could be beneficial for the issuance of construction permits for film production projects.

RESPONSE: The Department releases plans that comply with the regulations as promptly as possible, no later than 20 business days after their submission, as already established at N.J.A.C. 5:23-2.15(f)4. It is correct that projects where review is reserved solely to the Department are excluded from the design professional self-certification program.

29. COMMENT: The commenter notes that if filming requires a temporary structure with electrical power installed at a location within a municipality, it is hard for them to believe that the Department will be able to issue a construction code permit faster than the municipality, especially since other approvals may be required. The commenter requests an explanation of why the Department seeks jurisdiction over these cases. Additionally, the commenter questions whether the Department will require demolition permits for the dismantling of film sets or for the removal of backlot film construction.

RESPONSE: The Department respectfully disagrees that the Department will have a greater time constraint than local enforcing agencies; prior approvals may be required regardless of the agency responsible for plan review and inspections. See the Response to Comment 12 regarding why the Department is taking jurisdiction for these film sets and locations. Further, demolition permits may be required when the work undertaken meets the requirements at Subchapter 2 of the UCC.

30. COMMENT: The commenter questions how the local construction code enforcement agency will be notified that the Department issued a

UCC permit. Additionally, the commenter recommends that the regulations include language stating that the Department shall ensure that the local code enforcement agency receives a copy of the permit.

RESPONSE: The Department thanks the commenter for their recommendation; however, the Department respectfully disagrees with the inclusion of additional language regarding notification. Due to the nature of film production and the need for local coordination, local enforcement agencies will be aware of these productions within their municipalities before the Department issues permits. Furthermore, local enforcement agencies may request that applicants provide issued permits.

31. COMMENT: The commenter questions whether there are different fees for filming happening on private property, by a non-profit agency, or by students. Further, the commenter asks whether Department fees will be modified to reflect these amendments.

RESPONSE: The Department fees apply the same to all applicants at this time. The Department does not intend to modify the fee schedule for these projects.

32. COMMENT: The commenter asks if the Department will confirm that the film production company has a general film permit. Additionally, regarding filming that incorporates temporary structures on the New Jersey Turnpike or another State-owned site, the commenter questions if the Department will have UCC jurisdiction.

RESPONSE: The New Jersey Motion Picture and Television Commission maintains, on its website, a list of relevant rules that must be complied with when filming in the State; any of those rules that are prior approvals to obtain a UCC permit must be provided when submitting an application for a UCC permit. The Department will have jurisdiction over temporary film sets on State property.

33. COMMENT: The commenter states that the proposed amendment's language explaining the Department's jurisdiction over any film studio is unnecessary. The commenter notes that the UCC adequately addresses situations in which the local enforcing agency lacks personnel or is unable to handle the complexity of the project. The commenter further states that existing and new film studios could obtain an annual construction permit from a local enforcement agency. Additionally, the commenter asks why the Department is not promoting an annual construction permit, rather than taking jurisdiction.

RESPONSE: As noted in the Response to Comment 3, upon adoption, the Department will delete proposed N.J.A.C. 5:23-3.11(l)1, as it is already addressed appropriately in the rules and the Act. This means that the Department may still take jurisdiction of film studios as determined necessary pursuant to N.J.A.C. 5:23-4.3(f) and clarifies that the intention is not to automatically take jurisdiction of such projects. The Department does not promote any specific permit type, as they are not universally applicable. Should an annual permit be appropriate to meet a studio's needs, an application may be made to the local enforcing agency pursuant to N.J.A.C. 5:23-2.14(c).

34. COMMENT: The commenter states that the Department's potential delay justification for becoming the sole enforcing agency for motion picture and television construction activities is weak. The commenter notes that Happy Gilmore 2 was filmed in 31 New Jersey municipalities and nine counties over 64 days. The commenter requests an explanation of how the Department becoming the sole enforcing agency would have expedited the production of this film. Additionally, the commenter asks whether the Department received any complaints regarding UCC delays related to the film. Further, the commenter questions the staffing level of the UCC local construction code enforcement agency responsible for performing the film's required inspections.

RESPONSE: The Department finds that submitting all necessary permits to a single office is, by its very nature, more cost-efficient and timely than submitting permit applications to 31 municipalities. It also ensures that the same group of reviewers and inspectors are looking at all work, instead of having different staff members across all local enforcing agencies. While the Department did not receive complaints specific to the filming of Happy Gilmore 2, it has received multiple complaints about timing constraints when attempting to film on location where permits are required. The Department maintains adequate staff across the State to meet the needs of production companies for taking jurisdiction over this work.

35. COMMENT: The commenter recommends that the Department review the definition of “manufacturing, production, and process equipment” at N.J.A.C. 5:23-1.4 and consider inclusion of film production occurring solely on the premises of a properly permitted motion picture or television studio. The commenter notes that by including this, the Department would be exempting these film productions from UCC permits pursuant to N.J.A.C. 5:23-2.2. Additionally, the commenter notes that a similar approach would be to establish “certified studios” that would not be required to obtain UCC permits.

Additionally, the commenter states that exceptions to the general rule could be added if the Department determines a specific need for issuance of a UCC permit, either by the Department or by the local construction code enforcement agency. The commenter notes that this would be more beneficial to the industry than a single point of entry to obtain UCC permits. Further, the commenter explains that it would eliminate the requirement for UCC permits for the removal or demolition of film sets at these studios.

RESPONSE: The Department has reviewed the definitions of manufacturing, production, and process equipment and finds that there is no relation between this equipment and the equipment used for filming; these definitions include equipment such as turbines, capacitors, metal-working equipment, conveyor belts, and other similar items. It is not intended to address production in the sense of film production. Further, it should be noted that while this equipment does not require a UCC permit, it typically requires a permit through other State agencies, including the Department of Environmental Protection, Department of Labor and Workforce Development, or other agencies responsible for oversight of the system of operation for which the product is utilized. Finally, the Department finds no basis for eliminating UCC permits for filming on locations independent of studios; it is necessary to ensure that structures used for filming are safely constructed and able to be occupied and utilized for the intended purpose. It is also important to ensure that, when filming has wrapped, any structures are removed in accordance with all necessary requirements.

36. COMMENT: The commenter states that this proposed amendment should not be adopted. The commenter notes that the proposed amendment needs clarification, further stating that the proposed amendment is covered by existing provisions in the UCC that handle potential delays.

RESPONSE: The Department respectfully disagrees that the proposed amendment should not be adopted, except that N.J.A.C. 5:23-3.11(l)1 is being deleted upon adoption, as it is already addressed pursuant to N.J.A.C. 5:23-4.3(f).

37. COMMENT: The commenter notes that the amendment appears reversed in enforcement. The commenter states that the Department could have amended N.J.A.C. 5:23-4.9 to address work on motion picture and television film sets and locations. The commenter recommends including definitions and clarifying when a film stage is considered a studio.

RESPONSE: See the responses to Comments 3 and 6 above regarding codification and definitions, respectively.

38. COMMENT: The commenter opposes this rulemaking, stating that permitting should remain within local control. The commenter notes that they do not see a reason to change the current system.

RESPONSE: The Department respectfully disagrees. It finds that taking jurisdiction for film sets and locations independent of film studios will benefit production companies by streamlining the application process while also shifting the burden from local enforcing agencies, which may struggle to meet the scheduling demands inherent in filming.

39. COMMENT: The commenter notes that while they understand the intent to streamline processes for the growing New Jersey film industry, the proposed amendment raises concerns for removing enforcement responsibility and local oversight from local enforcing agencies. The commenter states that local enforcing agencies have the advantage of familiarity with the local area, as well as established coordination and relationships between municipal services and residents. The commenter further explains that because local enforcing agencies are directly responsible for their municipalities and residents, transferring their authority distances accountability and removes the community’s ability to address issues in a timely manner. Expanding on this, the commenter notes that the Department’s limited field presence compared to local

agencies may result in scheduling delays for inspections, particularly when filming occurs on weekends or at multiple locations simultaneously.

Further, the commenter explains that many municipalities have their own specific ordinances unrelated to the Uniform Construction Code, which may not be reviewed or enforced by the State. The commenter explains that this rulemaking could possibly set a precedent for the State to assume control of other specialized uses and occupancies in the future, thereby further weakening the authority and purpose of municipal code enforcement agencies.

The commenter states that, for these reasons, they recommend a shared enforcement model or memorandum of understanding that allows the Department to coordinate plan review or oversight while maintaining local inspection authority for fire safety, life hazard uses, and emergency access compliance. The commenter explains that maintaining a cooperative framework between State and local enforcement ensures both industry efficiency and the continued protection of our residents, visitors, and responders.

RESPONSE: The Department understands the concerns expressed by the commenter but respectfully disagrees that this rulemaking will have negative impacts on the communities where filming occurs. As noted in response to other comments, where there are municipal ordinances and requirements unrelated to the UCC, production studios will still need to ensure that those requirements are met. The Department also does not intend to weaken the purpose of municipal code enforcement agencies; however, throughout time, there are projects that warrant consolidated attention from one agency. This is the reason N.J.A.C. 5:23-3.11 of the UCC exists. At this time, the Department is not considering changes to oversee plan review and release inspections to municipalities.

40. COMMENT: The commenter thanks the Commissioner and the Department for their leadership in modernizing and streamlining the production-permitting process in New Jersey. Noting that with this proposed rulemaking, New Jersey continues to demonstrate its commitment to becoming one of the most production-friendly locations in the world, and will help the State’s permitting framework keep pace with New Jersey’s rapidly growing film industry. The commenter commends the Department for establishing a centralized review and enforcement process for non-studio filming locations, stating that this rulemaking will create a consistent body of expertise to manage what are often complex and novel construction and safety challenges. The commenter further states that establishing a well-trained workforce at the State level enhances both efficiency and safety, ensuring that New Jersey residents and communities remain well-protected while continuing to benefit from the expanding film economy. Finally, the commenter explains that the proposed rule is particularly valuable for productions that operate across multiple local jurisdictions. Centralizing permitting will reduce confusion and eliminate delays that can occur when coordinating among multiple municipalities.

RESPONSE: The Department thanks the commenter for their support.

41. COMMENT: The commenter requests that the proposed rulemaking be amended to allow studios, in limited circumstances, to continue obtaining permits through local permitting authorities. The commenter states that they maintain a very strong partnership with local governments, who are building the specialized expertise necessary to safely and efficiently manage studio productions within their jurisdictions. The commenter further explains that they believe local permitting will foster sustained local partnerships, which are vital to addressing ongoing operations, community impact, and infrastructure coordination in areas where filming is ongoing. In addition, the commenter recommends that the State develop a fee structure for Department film permitting that ensures equitable compensation for local governments and provides significant funding to the Department so they may ensure the staffing and expertise needed for fast and accurate permitting. Finally, the commenter provided suggested changes to the proposed language.

RESPONSE: It was always the Department’s intention with this rulemaking to maintain local enforcing agencies as the default resource for the construction of film studios, with the Department taking jurisdiction only as necessary. However, the Department finds that establishing jurisdiction over sets and locations independent of studios is more appropriate to ensure continuity when studios work in a multitude

of locations and municipalities. Infrastructure coordination, including road closures and other similar issues, will still be handled by the appropriate municipal offices. Finally, the Department finds that there is no basis for a differential fee structure for film permitting.

42. COMMENT: The commenter, who represents the Boroughs of Eatontown and Oceanport, notes an agreement between the Fort Monmouth Economic Revitalization Authority and Netflix to begin construction of a film studio campus on part of the former Fort Monmouth site. The commenter states that Eatontown and Oceanport have been working closely with Netflix for several years on the Netflix Redevelopment Project to ensure its success and to consider the significant impact it will have on both towns. The commenter explains that Eatontown has signed agreements with Netflix concerning community benefits and finances, and Oceanport is planning to approve similar agreements with Netflix. Further, the commenter notes that the Local Finance Board approved the financial agreement between Eatontown and Netflix. Netflix and the boroughs have also discussed other local services needed for the project, including police, fire, and emergency services, and building inspections. The commenter notes that both Eatontown and Oceanport have made plans and have sufficient staff to conduct building inspections to ensure the Netflix Redevelopment Project meets the Uniform Construction Code.

Due to these reasons, the commenter recommends changing the proposed language at N.J.A.C. 5:23-3.11(l) to state that "the Department shall be the sole enforcing agency for work relating to motion picture and television film sets, and motion picture and television film locations, including the construction and use of temporary structures in outdoor locations or work undertaken on locations set outside a production studio, approved production facility or sound stage used by the entertainment industry." Further, the commenter recommends changing the proposed language at N.J.A.C. 5:23-3.11(l)1 to state, "Notwithstanding the above, at the request of a studio partner or studio lease partner, the Department may delegate permitting authority to a local enforcing agency." The commenter notes that Eatontown and Oceanport have worked together with all State agencies and independent groups in New Jersey on this project for the boroughs and the Monmouth County area. The boroughs are ready to keep providing top-quality building inspection services for the Netflix Redevelopment Project, and the proposed rules should be changed to reflect this.

RESPONSE: The Department understands the Netflix Redevelopment Project is underway in the boroughs of Eatontown and Oceanport, and, as noted in response to other comments, upon adoption, N.J.A.C. 5:23-3.11(l)1 is being deleted, as it is already addressed elsewhere, and the Department did not intend to create the appearance that film studio projects would always be required to come to the Department. However, at this time, the Department respectfully disagrees that further changes to N.J.A.C. 5:23-3.11(l) are necessary.

43. COMMENT: The commenter states that this rulemaking adds to the standing list of occupancies or equipment already reserved to the Department, such as amusement rides, ski lifts, high-pressure boilers, pressure vessels, and certain LP-gas installations. The commenter explains that, arguably, such an approach is valid in those cases because each of those uses or equipment indeed requires specific training and understanding of industry and national standards that are not referenced or otherwise included in the UCC. The commenter notes that movie studios and film sets, however, have always been included in the UCC through its adopted subcodes and referenced standards and that this rulemaking does not include any references to additional standards that are not already part of the UCC, so the rulemaking's assertion that a studio may include complex elements misrepresents that these projects would be beyond the ability of UCC officials licensed at the Highrise-Hazardous Specialist (HHS) level.

The commenter states that other projects across the State have been more complex than the theorized construction of film studios, yet they remained as local agency projects. The commenter further explains that the physical size of a building or project is not, in itself, complex, nor is the number of systems, as the UCC already prescribes a framework through which individual subcode officials are responsible for clearly delineated elements. The commenter notes that the quantity of devices, fixtures, sprinklers, alarms, egress doors, and exit/emergency lights may

widely fluctuate from project to project, but the code compliance process does not become more complex because there are 50 exit doors, or more than 1,000 sprinklers. The commenter notes that the explanation that these projects will present a level of complexity beyond the skill set and education of licensed local officials is weak and is not supported by any changes in licensure or proficiency for Department plan reviewers and field inspectors to bridge the purported complexity gap. The commenter states that the rulemaking grants the Department leeway not to exercise sole jurisdiction and to revert to local agency enforcement, thereby proving that HHS licensure would be sufficient. The commenter notes that while there may be many fiscal and political considerations regarding this rulemaking, it is unfair and inappropriate to cast a shadow on licensed local officials by implying that the project's complexity exceeds their technical ability.

RESPONSE: The Department understands the commenter's concerns and holds the utmost respect for its licensed officials throughout the State. The Department agrees that HHS-licensed inspectors throughout the State are capable of reviewing work that is complex in nature; however, it respectfully disagrees that film sets and locations cannot pose unique constraints that often fall outside of what a local enforcing agency, or in many cases, a multitude of local enforcing agencies, are reviewing in their ordinary course of business. Part of the complexity of these projects is their scope, which may include multiple locations in a single production.

44. COMMENT: The commenter notes that the spirit, if not the actual act, of cooperation in Uniform Construction Code enforcement is best embodied in the following: "Any attempt to define the cooperation necessary among the construction department and the other public safety departments (police, fire, health) would be insufficient. There must be complete cooperation and communication with all these departments so that each may function effectively." The commenter states that, given the statement, this comment serves as both a reminder and a notice to the Department of its obligations when it elects to exercise the sole jurisdiction agency option for projects, specific to the fire protection subcode and the fire service in each municipality. The commenter states that the role of the sole enforcing agency is essentially the same as that of a local agency, including plan review and field inspection, and that it requires coordination with local fire officials or fire department representatives. In addition, the commenter provides UCC and New Jersey Edition International Building Code citations referencing the coordination and cooperation between the fire protection subcode and local fire services.

RESPONSE: The Department appreciates the need for coordination with other municipal agencies when establishing UCC jurisdiction over these projects.

45. COMMENT: The commenter notes that, as a prior-service local agency subcode official, they were continually awed by the complete lack of communication and coordination between the Department and the local fire service, fire code official, and/or fire subcode official regarding Department plan review and/or sole jurisdiction over projects. The commenter cites instances where local agency field inspections revealed incompatible hose threads, improper FDC locations, and deficient in-building radio coverage, even though the plan review and release had been performed by the Department. The commenter explains that this placed a significant burden on both the project and local agency code officials, often late in the construction process, to address issues that the UCC required to be coordinated or approved by local fire officials at the plan review stage of the project. The commenter states that through personal experience, the Department repeatedly demonstrated no interest or resolve in the same code requirements that bound local officials. The commenter notes that enacting rules that allow the Department to assert itself as the sole enforcing agency means the Department must commit to performing all functions and tasks delineated in the UCC, including those that require approval and coordination with local fire service agencies or personnel. The commenter states that there is no aspect of the rulemaking's fast response times and turnarounds in catering to the film industry that should take priority over the safety and operational effectiveness of firefighters and emergency responders serving their communities and citizens. The commenter opines that there is no evidence in the record that the Department will implement a change to correct course going forward on

any sole-agency or plan-review-only projects regarding local fire service coordination.

RESPONSE: The Department respectfully disagrees that there is no communication between its agency and local enforcing agencies. It also notes that when it is responsible only for plan review, the local enforcing agency is responsible for undertaking inspections and ensuring that the inspected work matches the released plans. It is the responsibility of the contractor or other responsible party to comply with the approved plans; the Department has no way to confirm that work is performed in accordance with the plans when it lacks jurisdiction for inspections. The Department also notes that UCC enforcement is separate and distinct from enforcement of the Uniform Fire Code (UFC), which is not addressed in this rulemaking and is handled through a separate division of the Department. Finally, the intention of this rulemaking is not to cater to production companies, but to streamline the work entailed in UCC permits for filming on sets and locations independent of film studios. This streamlined effort benefits production companies and local enforcing agencies alike by ensuring filming proceeds smoothly and without undue delay.

46. COMMENT: The commenter recommends that, once a covered project is executed by the Department as the sole enforcing agency, the property remains within the Department's sole jurisdiction, whether as a follow-on UCC activity or ongoing compliance with the Uniform Fire Code. The commenter notes that the effective application of both the UCC and the UFC relies on an understanding of the original building design and construction. The commenter explains that the information would be maintained with the Department, so it is logical that the Department remains the sole agency, including for matters within the Uniform Fire Code or future UCC work, such as alterations. The commenter states that if the Department is keeping the construction project files and plans, then the Department would remain best positioned and best staffed, from both manpower and knowledge of the complex systems standpoint, to ensure ongoing inspection, testing, and maintenance of those critical fire and life safety systems. The commenter expresses that it is implausible to think that a Uniform Fire Code local enforcing agency can effectively manage these complex buildings with complex systems, absent any prior exposure during construction, attending UCC acceptance testing, or having access to plans and commissioning documents as is typical through the local UCC construction department office in nearly all other local agency projects.

The commenter notes that their concern is that once the Department captures sole UCC agency designation on a project and pockets the relevant UCC fees, the issuance of a Certificate of Occupancy marks the point at which the building is returned to local responsibility. The commenter states that in such a return to municipal responsibility, there is no continuity of property history and knowledge, which can complicate any future code enforcement activity, including rehab projects, along with meeting other obligations and agency coordination, such as notice to tax assessors and compliance with Open Public Records Act requests relating to the property. The commenter states that the purported coordination delays and cross-municipal boundary issues in the rulemaking would be best served both at initial construction and ongoing occupancy through a single State-level agency with a single point of contact structure in charge of skilled, licensed personnel, deployed around the entire State, capable of responding on short notice to any need for inspection or emergency measure. The commenter explains that the notice of proposal Summary is the strongest argument for exclusive Department jurisdiction for all phases of the structure's life, from construction to ongoing use and occupancy.

RESPONSE: This rulemaking is related to the UCC; Uniform Fire Code jurisdictional matters are handled by the Department's Division of Fire Safety, and are, therefore, outside the scope of this rulemaking and cannot be addressed at this time. As to the remainder of the comment, the Department will be the sole enforcing agency for these structures during their use and operation for all UCC matters; the issuance of the Certificate of Occupancy does not render the structure subject to the municipality's jurisdiction. The Department's UCC jurisdiction ends only when filming is ended, and any demolition or removal is completed.

47. COMMENT: The commenter requests a response from the Department affirming a commitment to the UCC's imbued spirit of

cooperation, particularly with local fire service agencies, along with a new defined process or notification to local fire department agencies when a film studio project is filed within Department sole jurisdiction, informing the local agencies of the upcoming project and disclosing the option to contact an identified party at a Department plan review to arrange access for plan examination and serve to address local issues, such as fire department connection (FDC) location and thread type and responder radio coverage. The commenter states that, in the age of electronic filing and inter-agency communication, there should be no barrier to the Department proactively cooperating with local fire departments affected by the Department's sole jurisdiction over projects.

RESPONSE: The Department is committed to communicating with municipal agencies, as needed, regarding these projects, with the caveat that such communication will be limited to UCC matters, as that is the area over which the Department is establishing its sole jurisdiction.

Federal Standards Statement

No Federal standards analysis is required for the adopted amendment because the amendment is not being adopted in order to implement, comply with, or participate in any program established pursuant to Federal law or a State law that incorporates or refers to Federal law, standards, or requirements.

Full text of the adoption follows (deletion from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 3. SUBCODES

5:23-3.11 Enforcement activities reserved to the Department

(a)-(k) (No change.)

(l) The Department shall be the sole enforcing agency for work relating to motion picture and television film sets, and motion picture and television film locations, including the construction and use of temporary structures in outdoor locations or work undertaken on locations otherwise independent of a film studio set.

[1. The Department may take jurisdiction over any film studio, including appurtenant and auxiliary spaces, that includes closed sound stages, sets, or related features. This decision may be made based upon local enforcing agency availability, the complexity of the film studio project, and the workload of the local enforcing agency.]

ENVIRONMENTAL PROTECTION

(a)

OFFICE OF THE COMMISSIONER

OFFICE OF CLIMATE RESILIENCE

Notice of Administrative Changes

Notice of Acceptance of New and Changed State Plan Policy Map Planning Area Boundaries and Community Development Boundaries Formally Approved by the New Jersey State Planning Commission as the Boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores, CAFRA Nodes, and CAFRA Critical Environmental Sites Pursuant to N.J.A.C. 7:7-13.16

Township of Ocean, Ocean County, New Jersey

N.J.A.C. 7:7 Appendix H

Effective Date: April 17, 2026.

Operative Date: June 17, 2026.

Take notice that, in accordance with N.J.A.C. 7:7-13.16, the New Jersey Department of Environmental Protection (Department) has determined to accept the new and changed Planning Area boundaries, and new and changed Community Development boundaries for the Township of Ocean (Township), Ocean County, New Jersey, that were formally